



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/277,213 03/26/99 KOBAYASHI

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EXAMINER

WM02/0118

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HOM, S

ART UNIT

PAPER NUMBER

2661

DATE MAILED:

01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/277,213

Applicant(s)

KOBAYASHI ET AL.

Examiner

Shick Hom

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 1-42, 45, 49, 51, 52 and 55-91 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 92 is/are allowed.
- 6) ☒ Claim(s) 43, 44, 46-48, 50, 53, 54 and 93-95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

Art Unit: 2732

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10-26-00 have been fully considered but they are not persuasive.

Priority

2. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

4. Claims 93, 43, and 44 are objected to because of the following informalities: in claim 93 line 1 which recite dependence upon canceled "claim 41" is not clear as to whether it

Art Unit: 2732

should now recite ---claim 92---, or what and therefore can not be examined. Likewise, claims 43-44 are objected to because they depend upon claim 93. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 46-48, 50, 53, 54, and 94 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 94 line 14 which recite "the received control packet" lacks clear antecedent basis because no received control packet have been previously recited in the claim and therefore the limitation is not clearly understood. In claims 46 and 47 line 3 which recite "said control information packet" lacks clear antecedent basis. In claim 46 lines 4-5, claim 47 lines 6-7, and claim 48 line 3 which recite "said direct memory access means" is not clear as to whether they're reciting ---said direct memory access unit---. In claim 47 line 4 which recite "a switch" is not clear as to whether it is reciting ---said switch--- as in claim 94 line 3. In claim 47 lines 5-6 and 7 which recite "the control information cell" and "the terminal unit" lack clear

Art Unit: 2732

antecedent basis. In claim 48 line 5 which recite "the exchange station" lacks clear antecedent basis. In claim 50 lines 4 and 5 which recite "the device" and "the test program" are not clear as to whether they're reciting ---the loopback device--- and ---said program---, respectively. In claims 53 and 54 line 6 which recite "inserting/extracting" is not clear as to whether they're reciting ---inserting and extracting--- or ---inserting or extracting--- or what. In claim 53 and 54 lines 10-11 which recite "a switch network" is not clear as to whether they're reciting ---said switch network---. In claim 53 and 54 lines 19 and 20 which recite "an inter-station loopback test" are not clear as to whether they're reciting ---said inter-station loopback test---.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2732

7. Claims 95 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turudic in view of Jones.

Turudic et al. disclose nearly all the subject matter now claimed. Note col. 11 lines 24-48 which recite the drop/insert multiplexer removing the loopback bit from the input link and outputting the same to the output line including the loopback control mechanism comprising a processor, a buffer, a comparator device, and a decrementing device whereby the processor controls the operation of each of those devices clearly anticipate the switch station including a control processor performing loopback test wherein the output highway and input highway are connected to the device during the test as in claim 95. Further, col. 15 line 63 to col. 16 line 4 and col. 16 lines 48-54 which recite the devices being implemented by software and using storage devices and with a software-controlled general purpose processor, or with any combination of off-the-shelf and/or custom-developed hardware, circuitry, and/or software clearly anticipate the use of memory storing a program for loopback testing and the control processor executing the program as in claim 95.

Art Unit: 2732

Turudic did not teach exchanging packet with a predetermined format as in claim 95 and the control processor further checking for fault in the device as in claim 50.

Jones teach that it is known to provide means for assembling packet for transmission with an initial sequence of at least 2n signals followed by a receiving station address sequence designating the station which is to receive the packet and positioning all packet data following after the receiving station address sequence as set forth at col. 3 lines 23-44 in the field of digital and multiplex communications for the purpose of providing an effective contention resolution interfacing communication network which also can accommodate changes effectively in the network clearly anticipate the means for exchanging packet with a predetermined format as in claim 95. Further, col. 16 lines 14-30 which recite means for checking packet format error, IE framing error, in the received packet clearly anticipate the processor checking for fault in the device as in claim 50.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide means for exchanging packet with a predetermined format the control processor checking for fault in the device as taught by Jones to

Art Unit: 2732

the system of Turudic because Jones teaches the desirable advantage an providing an effective contention resolution interfacing communication network which also can accommodate changes effectively in the network and said effective contention resolution interface being desirable to achieve more efficient system operation in Turudic.

Allowable Subject Matter

8. Claim 92 is allowed.

9. Claims 94, 46-48, 53, and 54 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lare discloses a local area network interface controller.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

Art Unit: 2732

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

Art Unit: 2732

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 308-5403, (for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.

SH

January 10, 2001


DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600